

**SEVENTH DAY.**

(Continued)

Senate Chamber,  
Austin, Texas,  
September 22, 1931.

The Senate met at 10:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**At Ease.**

The Senate stood at ease, subject to the call of the Chair, to permit the Finance Committee to continue its hearing.

**In Session.**

The Senate was called to order at 10:05 o'clock a. m., by Lieutenant Governor Edgar E. Witt.

**Consent to Record Vote.**

Senator Pollard received unanimous consent for him and Senator Rawlings to be recorded as voting in the regular way, instead of as paired, on H. B. No. 19 and for him to vote "yea" on the Free Conference Committee report on H. B. No. 7.

**Bill Introduced.**

By Senators Moore, Woodward, Purl, Hardin, Neal, Beck, Berkeley, Williamson, Greer, Russek, Loy, Cunningham, Woodruff, Gainer, Hornsby and Small:

S. B. No. 33, A bill to be entitled "An Act relating to State warrants and to provide that certain State warrants shall draw interest after they are presented for payment and not paid, and to authorize the State Highway Commission to invest such portions of the State Highway Fund, as from time to time, may not be needed for immediate use, in State warrants drawn against the General Revenue Fund, provided that not more than three million dollars (\$3,000,000.00) shall be so invested at any one time, and declaring an emergency."

Read and referred to Committee on Finance.

**Message From the House.**

Hall of the House of Representatives,  
Austin, Texas, Sept. 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

S. B. No. 24, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, Acts, First Called Session, Thirtieth Legislature, page 464, relating to ascertaining tax rate, and declaring an emergency."

(With amendments.)

H. B. No. 58, A bill to be entitled "An Act to amend Article 955, of the Revised Criminal Statutes of Texas of 1925, as amended by House bill No. 406, Chapter 257, General and Special Laws of the Regular Session of the Forty-first Legislature; and further amended by House bill No. 179, Chapter 304, of the Regular Session of the Forty-second Legislature, prohibiting the sale of fish taken from fresh water streams of certain named counties and also providing means and methods of taking and possessing fish from fresh waters of said counties by omitting Anderson county, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

**House Bills Referred.**

H. B. No. 44, referred to Committee on Educational Affairs.

H. B. No. 50, referred to Committee on State Affairs.

H. B. No. 54, referred to Committee on State Affairs.

H. B. No. 58, referred to Committee on State Affairs.

**Conference Committee Requested.**

On motion of Senator Cunningham, the Senate refused to concur in House amendments to S. B. No. 24 and asked for the appointment of a conference committee.

**Bill Signed.**

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 7.

**Advance Printing Ordered.**

Senator Beck received unanimous consent to have S. B. Nos. 27, 28, 29, 30, 31 and 32 printed in advance.

**S. C. R. No. 12.**

Senator Small withdrew his request to call up S. C. R. No. 12 from the table where it lay subject to call and gave notice that he would call it up again at a later date in order to set sine die adjournment for three days after the appropriation bills were reported out of the Committee on Finance.

**H. C. R. No. 5.**

The Chair laid before the Senate: H. C. R. No. 5, Relating to a tariff on jute.

The resolution was read.

Senator Holbrook moved to refer the resolution to the Committee on Agricultural Affairs.

Senator Cousins moved as a substitute to postpone indefinitely the further consideration of the resolution.

The substitute motion prevailed.

**Conference Committee Appointed.**

The Chair announced the appointment of the following conference committee on S. B. No. 24:

Senators Cunningham, Parrish, Woodul, Patton and Purl.

**H. C. R. No. 7.**

The Chair laid before the Senate: H. C. R. No. 7, Relating to an international cotton conference.

Read and, on motion of Senator Purl, referred to Committee on Agricultural Affairs.

**S. C. R. No. 8.**

The Chair laid before the Senate: S. C. R. No. 8, Relating to a certain map of Brazoria County.

The resolution was read.

Senator Purl moved to refer the resolution to the Committee on Public Lands and Land Office. The motion prevailed.

**H. C. R. No. 9.**

The Chair laid before the Senate: H. C. R. No. 9, Relating to discontinuing Federal aid in reclaiming arid land for cotton production.

The resolution was read.

Senator Purl moved to refer the resolution to the Committee on Federal Relations.

Senator Holbrook moved as a sub-

stitute to indefinitely postpone further consideration of the resolution.

The substitute motion prevailed.

**H. C. R. No. 10.**

The Chair laid before the Senate:

H. C. R. No. 10, Relating to acquisition and holding of certain cotton by the Federal Farm Board.

The resolution was read.

Senator Holbrook moved to refer the resolution to the Committee on State Affairs. The motion prevailed.

**H. C. R. No. 11.**

The Chair laid before the Senate:

H. C. R. No. 11, Relating to extending credit to foreign nations through commodity loans.

The resolution was read.

Senator Williamson moved to refer the resolution to the Committee on State Affairs. The motion prevailed.

**H. C. R. No. 15.**

The Chair laid before the Senate:

H. C. R. No. 15, Relating to Johnson grass and Bermuda grass control.

Read and referred to Committee on State Affairs, on motion of Senator Holbrook.

**Simple Resolution No. 19.**

Senator Woodward sent up the following resolution:

Whereas, H. B. No. 9, as finally passed by the Senate on September 21st, did not contain an emergency clause; and,

Whereas, It is necessary that said bill be recalled from the House in order that it may be finally passed by the Senate. Therefore,

Be it Resolved, by the Senate that H. B. No. 9 be recalled from the House for further action by the Senate.

WOODWARD.

Read and adopted.

**Simple Resolution No. 20.**

Senator Hornsby sent up the following resolution:

Whereas, The Honorable Tom Mix, internationally famous screen star and portrayer of cowboy roles and now star performer with the great Sells-Floto Circus; and whereas Tom Mix is an honorary member of the Texas Rangers, therefore,

Be It Resolved, by the Senate of Texas, that this distinguished visitor be extended the courtesies of the floor, and be invited to address the Senate.

HORNSBY.

Read and adopted.

#### Tom Mix Visits.

The Chair appointed Senators Hornsby and Parr to escort Mr. Mix to the platform.

The Chair introduced Senator Hornsby, who introduced Mr. Mix. Mr. Mix briefly addressed the Senate.

#### H. C. R. No. 13.

The Chair laid before the Senate: H. C. R. No. 13, Relating to reducing the price of ginning, wrapping and transporting cotton.

The resolution and the pending amendment were read.

Senator Holbrook moved to indefinitely postpone further consideration of the resolution.

Senator DeBerry moved as a substitute to refer the resolution to the Committee on Agricultural Affairs. The substitute motion was lost.

The original motion (to postpone) prevailed.

#### S. C. R. No. 4.

The Chair laid before the Senate: S. C. R. No. 4, Relating to cancellation of war debts.

The resolution and the pending amendment were read.

On motion of Senator Cousins the resolution was laid on the table subject to call.

#### Senate Bill No. 26.

The Chair laid before the Senate on its second reading the following bill:

By Senator DeBerry:

S. B. No. 26, A bill to be entitled "An Act to provide for payment of the salary of the ex-officio superintendent of public instruction in all counties having not less than 8400 and not more than 8600 population, according to the last preceding Federal census, from the county available school fund; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The rule requiring committee re-

ports to lie over 24 hours was suspended.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days, was suspended and S. B. No. 26 was put on its third reading and final passage by the following vote:

Yeas—29.

|             |             |
|-------------|-------------|
| Beck.       | Oneal.      |
| Berkeley.   | Parr.       |
| Cousins.    | Parrish.    |
| Cunningham. | Patton.     |
| DeBerry.    | Poage.      |
| Gainer.     | Pollard.    |
| Greer.      | Purl.       |
| Hardin.     | Rawlings.   |
| Holbrook.   | Russek.     |
| Hopkins.    | Small.      |
| Hornsby.    | Thomason.   |
| Loy.        | Williamson. |
| Martin.     | Woodruff.   |
| Moore.      | Woodward.   |
| Neal.       |             |

Nays—1.

Woodul.

Absent—Excused.

Stevenson.

Read third time and finally passed by the following vote:

Yeas—29.

|             |             |
|-------------|-------------|
| Beck.       | Oneal.      |
| Berkeley.   | Parr.       |
| Cousins.    | Parrish.    |
| Cunningham. | Patton.     |
| DeBerry.    | Poage.      |
| Gainer.     | Pollard.    |
| Greer.      | Purl.       |
| Hardin.     | Rawlings.   |
| Holbrook.   | Russek.     |
| Hopkins.    | Small.      |
| Hornsby.    | Thomason.   |
| Loy.        | Williamson. |
| Martin.     | Woodruff.   |
| Moore.      | Woodward.   |
| Neal.       |             |

Nays—1.

Woodul.

Absent—Excused.

Stevenson.

#### Executive Session Postponed

On motion of Senator Hornsby the executive session was postponed until just before adjournment today.

**Pages Excused.**

Senator Hardin received unanimous consent for the pages to be excused for the afternoon in order to attend the circus.

**Recess.**

On motion of Senator Hornsby, the Senate, at 12:04 o'clock p. m. recessed until 2 o'clock p. m.

**After Recess.**

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Senate Bill No. 5.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Stevenson:

S. B. No. 5, A bill to be entitled "An Act providing for the conservation of the soil of the State of Texas; and providing for the elimination of root-rot by a proper cropping system; and providing for the prevention of erosion of the soil of the State; and further providing for a cropping system that will yield enough money to the farmers of the State to enable them to purchase fertilizer for the preservation of the fertility of their farms; providing for enforcement of this Act through the remedies of injunction and by the forfeiture of cotton raised on any land in violation of the provisions of this Act; and declaring an emergency."

Read second time and laid on the table subject to call, on motion of Senator Purl.

**Senate Bill No. 7.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Moore:

S. B. No. 7, A bill to be entitled "An Act to prevent deterioration and destruction of farm land planted to cotton; making certain exceptions; fixing penalty for violating this Act; and declaring an emergency."

Read second time.

Senator Moore sent up the following amendments:

Amend Section 1 by the addition of the following:

The word terraces as used in this Act shall be construed as meaning ridges of dirt built across the slope of land. Such terraces shall be level from end to end, or they shall have a fall along the terrace ridge of not more than three inches in one hundred feet, and the terraces shall be of sufficient height to check and prevent ordinary rainfall from going over them. They shall be spaced at sufficient intervals apart as will prevent erosion between terraces. The word drainage as used in this Act shall apply only to flat land in cultivation where standing water accumulated by rainfall prevents the production of cotton. The term, contour rows, as used in this Act shall be construed as meaning rows run across the slope varying from level from end to end, to rows having a fall of three inches in one hundred feet along the rows.

MOORE.

Read and adopted.

Amend S. B. No. 7, by striking out the figure "1933" in section 1 of the bill and insert in lieu thereof the figures "1934."

MOORE.

The amendment was read.

Senator Moore moved to set the bill as special order to morrow immediately following the morning call unless the appropriation bills were pending at that time in which event this bill will be set as special order immediately following the disposition of the appropriation bills. The motion prevailed.

**Reason For Vote.**

On final vote on the Cotton Acreage Reduction Bill as embodied in the Free Conference, substitute for House Bill No. 7, I vote "Yea," for which I wish to give the following reasons:

Individually I have always opposed the reduction of cotton acreage by law and have so voted three times during my service in the Legislature. I seriously doubt the constitutionality of this bill or any bill of its nature. I further doubt the workability and practicability of such legislation.

When the sentiment for this type of legislation arose I made a state-

ment in the press, in my district, that if I was convinced that the obvious majority of those most vitally interested desired legislation on this subject that I would lay aside my individual opinion and vote the sentiment of the majority. Mass meetings were held at Paris, Cooper, Mt. Vernon and other places in my district at all of which meetings the sentiment was overwhelming in favor of cotton acreage control by law. I visited the five county seats and some sixty or seventy community centers in my district and made diligent inquiry as to the sentiment on this subject and I found that the overwhelming majority of the sentiment at these points was in favor of such legislation. This information was gained from conversation with those that I thought were most vitally interested in this subject.

In my statement to the Press, I asked for communications from every one interested in this subject expressing their views on the subject. I have received a large volume of letters from my constituents on this subject and at least 90 per cent of them desire legislation on this subject.

Therefore, I, in accordance with my promise voted "Yea" for such legislation as I felt that I was voting the majority sentiment of those most vitally interested. If this question had been left individually to me, I would have voted "No" because I doubt the constitutionality, wisdom and workability of such legislation.

The mechanics of the bill were not satisfactory to me as I thought the per cent which would be planted in cotton was too small and would not be fair to certain sections of my district and the State. I did everything within my power to hold this percentage to a higher figure.

Realizing the distress of the farmers, and pursuant to my promise, I voted "Yea" because I believe it expresses the will of the majority of those most vitally interested in this subject, in my district.

DeBERRY.

#### Simple Resolution No. 21.

Senator Moore sent up the following resolution:

Whereas, The 4-H Clubs of Travis County are in session in Austin today; and

Whereas, Mr. Ward Blacklock, a member of the Club, is within the bar of the Senate; therefore

Be It Resolved, That Mr. Blacklock be invited to address the Senate and be accorded the privilege of the floor.

MOORE.

Read and adopted.

#### Mr. Blacklock Speaks.

The Chair appointed Senators Moore and Hornsby to escort Mr. Blacklock to the platform.

The Chair introduced Senator Moore who introduced Mr. Blacklock. Mr. Blacklock briefly addressed the Senate.

#### Messages From the House.

Hall of the House of Representatives,  
Austin, Texas, Sept. 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate under authority of Senate Simple Resolution No. 19, for the return of H. B. No. 9 to the Senate for further consideration. H. B. No. 9 is herewith returned.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 24. The following are conferees on the part of the House:

Hubbard, Petsch, Moffett, Hughes and McGill.

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

#### Simple Resolution No. 22.

Senator Gainer sent up the following resolution:

Whereas, Heretofore the Senate did pass S. R. No. 12 by Oneal, and authorizing that a committee from the Senate be appointed to attend the funeral obsequies therein mentioned, now therefore,

Be It Resolved, That the expense of said committee, including flowers, be paid out of the Senate Contingent Expense Fund.

GAINER.

Read and adopted.

#### Message From the Governor.

Executive Office,  
Austin, Texas, Sept. 22, 1931.  
To the Members of the forty-second Legislature:

At this time, the General Fund of this State is overdrawn and there are several million dollars on deposit in the State Highway Fund. There is every reason why the last named fund keep a balance on hand at all times in order that all outstanding highway contracts will be amply protected and the upkeep of the highways carried on. However, this balance does not necessarily have to be all cash. There is no better security in Texas than a warrant on the General Fund of this State and a part of the balance in the Treasury of the Highway Funds might, with perfect safety and propriety, be invested in such warrants.

I am, therefore, submitting to you and recommending a bill which directs the Treasurer and Highway Department to invest the sum of \$3,000,000.00 in State Warrants. It is my opinion that such an amount of Highway funds can be so used by curtailment of the Department's operations without serious injury to the Highway System.

Respectfully submitted,  
R. S. STERLING,  
Governor.

#### Senate Bill No. 23.

The Chair laid before the Senate on its second reading the following bill:

By Senator DeBerry:

S. B. No. 23, A bill to be entitled "An Act suspending the rights of the State, counties, cities, towns, municipalities and all other divisions of the Government to enforce tax lien from and after this Act becomes effective until January 1, 1933; providing that the same shall in no wise affect the right of the State, counties, cities, towns, municipalities, or other divisions of the Government to collect interests or penalties as pro-

vided by law for any delinquent tax and declaring an emergency."

Read second time.

The committee amendment was adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 23, page 1, Section 1, by striking out the words "cities" "towns" "municipalities" "or other subdivisions of the Government," and by amending the caption to conform to the amended bill.

PURL.

Read and lost by the following vote:

Yeas—3.

DeBerry. Purl.  
Hornsby.

Nays—22.

|             |             |
|-------------|-------------|
| Berkeley.   | Parrish.    |
| Cousins.    | Patton.     |
| Cunningham. | Poage.      |
| Gainer.     | Pollard.    |
| Hardin.     | Rawlings.   |
| Holbrook.   | Russek.     |
| Hopkins.    | Thomason.   |
| Loy.        | Williamson. |
| Neal.       | Woodruff.   |
| Oneal.      | Woodul.     |
| Parr.       | Woodward.   |

Absent.

Beck. Moore.  
Greer. Small.

Absent—Excused.

Martin. Stevenson.

Senator Poage sent up the following amendment:

Amend S. B. No. 23, line 24, page 1, by adding after the word "Act" the following:

"Provided further that no fees of office shall accrue to or become due any official by reason of any act done or in connection with any property on which taxes may have been or may hereafter become delinquent until such taxes are actually collected."

POAGE.

The amendment was read.

Senator Parr moved the previous question on the further consideration of the amendment and the bill. The previous question prevailed.

The amendment was lost.

The bill failed to pass to engrossment by the following vote:

Yeas—6.

|          |           |
|----------|-----------|
| Cousins. | Poage.    |
| DeBerry. | Rawlings. |
| Loy.     | Woodruff. |

Nays—16.

|           |             |
|-----------|-------------|
| Berkeley. | Patton.     |
| Gainer.   | Pollard.    |
| Holbrook. | Purl.       |
| Hopkins.  | Russek.     |
| Hornsby.  | Thomason.   |
| Neal.     | Williamson. |
| Oneal.    | Woodul.     |
| Parr.     | Woodward.   |

Present—Not Voting.

Cunningham.

Absent.

|         |        |
|---------|--------|
| Beck.   | Moore. |
| Hardin. | Small. |

Absent—Excused.

|         |            |
|---------|------------|
| Martin. | Stevenson. |
|---------|------------|

(Pair Recorded.)

Senator Parrish (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Invitation Extended.

Senator Purl sent up the following invitation from the Dallas Chamber of Commerce to the members of the Legislature to attend legislative day at the Dallas Fair:

Dallas, Texas, Sept. 21, 1931.  
To the Members of the Dallas County Delegation in the Legislature:  
For a number of years the Dallas Chamber of Commerce has been privileged to entertain the members of the Legislature with a luncheon on Legislative Day during the State Fair of Texas.

We should like very much to be host to members of the Legislature at a similar luncheon this year. It will be our plan to afford an opportunity for the members of the Legislature to meet together during the morning, perhaps as a Legislative Fraternity, as has been done in the past. Following this meeting at noon, the Chamber would tender a luncheon at which the legislators will

be our guests. During the afternoon, the courtesies of the Fair will be extended to the legislators, also the various theatres in Dallas would offer similar courtesies.

Since the Legislature is now in session, we should like for the Dallas County delegation to extend to the Legislature our cordial invitation to be guests of the Chamber at a luncheon on Legislative Day. In this connection the legislators are invited to decide the most convenient day to be designated as Legislative Day.

We shall deeply appreciate the courtesy of the Dallas County delegation if it will obtain a decision as to the day most desirable and extend the invitation of the Dallas Chamber of Commerce to the legislators to be our guests at that time.

Very truly yours,

ARTHUR L. KRAMER,

President, Dallas Chamber of Commerce.

We the members of the Legislature from Dallas County, Texas in accordance with the above and foregoing letter, hereby invite the members of the Legislature to be present on October 17th, 1931 to participate in the Legislative Luncheon to be served at the Adolphus Hotel at twelve o'clock on said date and then participate with us in the further legislative entertainment and program at the Dallas Fair as more fully set forth in said letter.

Fraternally submitted,

George C. Purl, Senator, Chas. S. McCombs, Z. E. Coombes, Robt. Holder, W. F. Savage, Sarah T. Hughes, Jack Keller, Representatives.

The invitation was read.

On motion of Senator Hornsby, the invitation was accepted.

Simple Resolution No. 23.

Senator Poage sent up the following resolution:

Whereas, The Hon. Tom Conally of Marlin, Texas, is within the bar of the Senate, and

Whereas, It is always the pleasure of this Senate to have this great statesman visit us and it is our especial pleasure at all times to hear our Junior United States Senator speak, now, therefore,

Be It Resolved, That the Hon.

Tom Connally be invited to address the Senate at this time.

POAGE,  
HORNSBY,  
WOODRUFF,  
PURL,  
ONEAL.

Read and adopted.

#### Senator Connally Speaks.

The Chair introduced Senator Poage who introduced Senator Connally who briefly addressed the Senate.

#### Conference Committee Report.

Committee Room,  
Austin, Texas, Sept. 22, 1931.  
To the Honorable Edgar E. Witt,  
President of the Senate, and  
To the Honorable Fred H. Minor,  
Speaker of the House of Representatives.

Sirs: We, your Conference Committee on S. B. No. 24, have had same under consideration, and have adjusted the differences between the House and Senate, and recommend the passage of the hereto attached bill, which is made a part of this report.

Respectfully submitted,  
CUNNINGHAM,  
PATTON,  
PARRISH,  
WOODWARD.

On the part of the Senate.

HUBBARD,  
MOFFETT,  
PETSCH,  
HUGHES.

On the part of the House.

By Cunningham: S. B. No. 24.

#### A BILL

##### To Be Entitled

An Act to amend Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts of the Third Called Session of the Forty-first Legislature, page 527, Chapter 23, relating to ascertaining tax rate, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts of the Third Called Session, Forty-first Legislature, page 527,

Chapter 23, be amended so as to hereafter read as follows:

"Article 7043. Ascertaining Tax Rate. Within five days after the Comptroller has received such certified statements from every Assessor within this State, said Board shall meet for the purpose of calculating the ad valorem rate of taxes to be collected for the State and public free school purposes. In calculating said rates the Board shall calculate the same by the following rules and upon the following basis; they shall find by adding together all the property subject to taxation in all counties as shown by the certified statements returned by the Assessors, the total valuation of all property within this State subject to ad valorem taxes. They shall find by adding together the sums appropriated by the Legislature, which will or which may become due by the State during the following fiscal year, the total sum which will or which may become due by the State, during the following fiscal year. They shall find, by adding all sums paid into the State Treasury as delinquent ad valorem taxes and interest and penalties thereon during the first half of the current calendar year and the latter half of the preceding calendar year and all sums which may be expected to be paid as taxes for State purposes from all sources other than ad valorem taxes, the total sum expected to be collected from all said sources. They shall find by subtracting from the total sum which will or which may become due by the State during the succeeding fiscal year the total sum which may be expected to be paid as taxes for State purposes from all sources other than current ad valorem taxes, the total sum for State purposes which must be collected by current ad valorem taxes. They shall add to such remainder twenty per cent of said remainder. They shall divide the total sum for State purposes which must be collected by ad valorem taxes added to twenty per cent of such total sum by the quotient of the total valuation of all property within this State divided by one hundred. The quotient shall be the number of cents on the one hundred (\$100.00) dollars valuation to be collected for the current year for State purposes; provided that



said quotient shall not be run to more than three decimals. The rate for State purposes shall never exceed the rate fixed by law on the one hundred (\$100.00) dollars valuation of property; provided, however, that the rate to be fixed as provided herein for the years 1931 and 1932 shall not exceed sixty-nine (69) cents on the one hundred (\$100.00) dollars valuation of property; and provided further the sixty-nine (69) cents shall include the seven cent Confederate Pension Tax. In calculating the rate to be collected for public free school purposes, said board shall take into consideration the number of children in the State within the scholastic age, to be determined from the most recent official school census; and shall fix a rate that will yield and produce for such fiscal year Seventeen and One-half (\$17.50) dollars per capita for all the children within the scholastic age, as shown by said scholastic census; provided, the rate so fixed for any year shall never exceed the rate fixed by law."

Sec. 2. The fact that increasing the general ad valorem tax rate over the rate now existing will cause untold hardship, creates an emergency and an imperative public necessity and that the Constitutional Rule requiring bills to be read on three several days should be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage as provided for in Section 1 hereof, and it is so enacted.

The report was read.

Senator Holbrook moved to indefinitely postpone further consideration of the report. The motion was lost by the following vote:

Yeas—8.

|           |           |
|-----------|-----------|
| Cousins.  | Parr.     |
| Gainer.   | Pollard.  |
| Holbrook. | Rawlings. |
| Hopkins.  | Russek.   |

Nays—15.

|             |             |
|-------------|-------------|
| Berkeley.   | Parrish.    |
| Cunningham. | Poage.      |
| DeBerry.    | Purl.       |
| Hornsby.    | Small.      |
| Loy.        | Thomason.   |
| Moore.      | Williamson. |
| Neal.       | Woodward.   |
| Oneal.      |             |

Present—Not Voting.

Woodruff.

Absent.

|         |         |
|---------|---------|
| Beck.   | Patton. |
| Greer.  | Woodul. |
| Hardin. |         |

Absent—Excused.

|         |            |
|---------|------------|
| Martin. | Stevenson. |
|---------|------------|

Senator Purl received unanimous consent to lay the report on the table subject to call and to have the report printed in the Journal.

Recess.

On motion of Senator Woodward, the Senate, at 5:05 o'clock p. m., recessed until tomorrow morning at 9:30.

## APPENDIX.

### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Sept. 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 26, carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

### Committee Reports.

Committee Room,

Austin, Texas, Sept. 22, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 58, A bill to be entitled "An Act to amend Article 955, of the Revised Criminal Statutes of Texas of 1925, as amended by House Bill No. 406, Chapter 257, General and Special Laws of the Regular Session of the Forty-first Legislature; and further amended by House Bill No. 179, Chapter 304 of the Regular Session of the Forty-second Legislature, prohibiting the sale of fish taken from fresh water streams of certain named counties and also providing means and methods of taking and possessing fish from fresh waters of said counties by omitting Anderson county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Sept. 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 9,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

MOORE, Chairman.

Committee Room,  
Austin, Texas, Sept. 22, 1931.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 54, A bill to be entitled "An Act to amend Article 7043 of the Revised Civil Statutes of the State of Texas, 1925, Acts 1st Called Session, Thirtieth Legislature, page 464 as amended by the Forty-first Legislature of Texas, Third Called Session, Chapter 23, pages 527 and 528, relating to ascertaining tax rate, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

## SEVENTH DAY.

(Continued.)

Senate Chamber,  
Austin, Texas,  
September 23, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

### House Bill No. 33.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 33, A bill to be entitled "An Act waiving the right of the State of Texas to enter upon, for the purpose of development of mines,

minerals and mineral rights, including oil and gas thereunder, all lands heretofore granted, or that may hereafter be granted, under Article 8225 of the Revised Statutes, to any navigation district, and by such district conveyed, or that may hereafter be conveyed to the United States of America for navigation purposes, so long as such lands shall be used by the United States of America, or such navigation district, for navigation purposes; and declaring an emergency."

The committee report was adopted.

The committee substitute was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 33 was put on its third reading and final passage, by the following vote:

Yeas—28.

|             |             |
|-------------|-------------|
| Beck.       | Oneal.      |
| Berkeley.   | Parr.       |
| Cousins.    | Parrish.    |
| Cunningham. | Patton.     |
| DeBerry.    | Poage.      |
| Gainer.     | Purl.       |
| Greer.      | Rawlings.   |
| Hardin.     | Small.      |
| Holbrook.   | Stevenson.  |
| Hopkins.    | Thomason.   |
| Hornsby.    | Williamson. |
| Loy.        | Woodruff.   |
| Moore.      | Woodul.     |
| Neal.       | Woodward.   |

Absent.

Russek.

Absent—Excused.

Martin.

Pollard.

Read third time and finally passed by the following vote:

Yeas—26.

|             |             |
|-------------|-------------|
| Beck.       | Oneal.      |
| Berkeley.   | Parr.       |
| Cousins.    | Parrish.    |
| Cunningham. | Patton.     |
| Gainer.     | Poage.      |
| Greer.      | Rawlings.   |
| Hardin.     | Small.      |
| Holbrook.   | Stevenson.  |
| Hopkins.    | Thomason.   |
| Hornsby.    | Williamson. |
| Loy.        | Woodruff.   |
| Moore.      | Woodul.     |
| Neal.       | Woodward.   |